



File Copy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

December 13, 1995

Reply to
Attn of: WD-133

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dustin Ramsey, Vice President
Eagle Stop & Save, Inc.
402 E. Yakima Ave., Suite 510
Yakima, Washington 98901

Re: **Compliance Status**
NOTICE OF VIOLATION (NOV)
Underground Storage Tank (UST) Facility (#4-260115)
Yakama Indian Reservation, Washington

Mr. Ramsey:

This letter is to inform you of the UST compliance status of your facility subsequent to three sets of documents being submitted to EPA, pursuant to the original EPA NOV letter dated May 22, 1995. This letter will also serve to inform you of further compliance requirements at this time.

The three submittals from Eagle Stop and Save, Inc. are as follows:

- ▶ Received September 18, 1995: A copy of a July 13, 1995, letter from Northwest Tank and Environmental Services (Mukilteo, Wash.) that explains the nature of the tank and piping leak detection equipment and test scheduling. The letter also reports the successful, albeit undated, testing of the facility's three automatic line leak detector units. Other literature was also included that showed successful monthly automatic tank gauge (ATG) tests for each of the three tanks, for the months of February, March, and April (18th) 1995.
- ▶ Received October 19, 1995: A facsimile from Conover Insurance Co. stating that a certificate of insurance, presumably demonstrating compliance with federal UST requirements for financial responsibility, would be forthcoming.
- ▶ Received November 16, 1995: Copies of ATG tests results for each of the tanks for the months of April - July 1995.

Z 704 922 233



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PS Form 3800, March 1993

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Dustin Ramsey, Vice President
Eagle Stop & Save, Inc.
402 E. Yakima Ave., Suite 510
Yakima, WA 98901

4a. Article Number

Z 704 922 233

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PS Form 3811, December 1994

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Thank you for using Return Receipt Service.

The first set of submittals above were responsive to most of items #1 - 3 in the original May 22, 1995, NOV letter. The third submittal above completed item #1's requirement for the desired information. To date, item #4 regarding financial responsibility is still not met. In addition, please note that the original submittal deadline for items #1-4 to EPA was July 31, 1995. Obviously, this deadline has been significantly exceeded.

The third set of submittals above, however, has raised the issue of UST #1 at this facility possibly releasing product to the environment. Referring to the copies of the ATG computer printouts, it seems that the tests for May 16, 1995 and for July 18, 1995, plainly state "leak detected," and that the test conducted April 25, 1995, reports "inflow detected." The ATG tests for all three USTs for June 1995 were not properly concluded. Without definitive clarifying information, e.g. a recent tightness test, it is therefore EPA's position that evidence strongly indicates UST #1 has leaked an unknown amount of gasoline.

Please be aware that EPA, as the implementing agency for federal UST regulation on all "Indian lands," such as the Yakama Indian Reservation, must be informed of any test results that indicate leaks from the tank and/or the piping within 24 hours. This is according to federal regulation Title 40 CFR Part 280 Subpart E, "Release Reporting, Investigation, and Confirmation". The only exception to this for a facility using an ATG leak detection method, is if the unit "...is found to be defective, and is immediately repaired, recalibrated, or replaced, and additional monitoring does not confirm the initial result..." (40 CFR §280.50 (c) (1)). If this is not done, the owner "...must immediately investigate and confirm all suspected releases of regulated substances requiring reporting under §280.50 within 7 days [emphasis added]..." (40 CFR §280.52).

Therefore, Eagle Stop and Save, Inc. is hereby directed to bring its Wapato UST facility into compliance with federal UST regulations according to the following revised schedule:

1. By December 29, 1995, submit to this EPA office, copies of at least one ATG test printout for each of the three tanks for each of the months August - December 1995. These ATG printout copies shall state conclusively the test results, either pass or fail. More than one test result each can be submitted for each tank for each month, at your option.
2. If the ATG for tank #1 has been investigated, found defective, and repaired or replaced at any time since July 1995 until present, submit complete documentation of these activities to this EPA office not later than January 9, 1996. This is in addition to requirement #1 above.
3. In absence of a documented defective and repaired or replaced ATG for tank #1, submit to this EPA office not

later than January 9, 1996, the results (regardless of pass or fail) of a tank tightness test performed on tank #1 after December 1, 1995, in accordance with 40 CFR §280.52 (a). If this test does not pass, proceed with investigation and confirmation activities in accordance with the balance of 40 CFR Part 280, Subpart E and report the findings to this EPA office. If a product release to the environment is confirmed, you should proceed with cleanup work according to Subpart F, as necessary. For this work, EPA Region 10 requires that cleanup and remediation must meet the technical standards established by Washington's Department of Ecology.

4. By December 29, 1995, submit to this EPA office, evidence of compliance with financial responsibility requirements for this facility (40 CFR Part 280, Subpart H).

In light of EPA's effort to work as partners in environmental stewardship, no civil penalty is being assessed at this time; however, failure to comply with the above requirements may result in formal enforcement proceedings initiated by the EPA. Penalties in such cases can be as high as \$10,000 per day for each tank in non-compliance. The nature of the above violations are considered serious.

If you have any questions, please do not hesitate to contact me at (206) 553-1089, or at (800) 424-4372, ext. 1089. I look forward to full UST compliance at your Wapato UST facility, in strict accordance with the above requirements and schedules. A copy of the federal UST regulations was transmitted to you in the original NOV letter; however, a second set is enclosed for your reference.

Sincerely,



Geoff Keeler
Compliance Officer

Enclosure

cc: Jannine Jennings, Environmental Protection Program, Yakama
Indian Nation